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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
RIMELL, SAMUEL G	
ART UNIT	**PAPER NUMBER**
2175	8

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/458,899	WARD, STEPHANIE	
	Examiner	Art Unit	
	Sam Rimell	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Goetz et al. ('650).

Claim 1: FIG. 26 illustrates a first template which illustrates emergency contact information (a home address), medical history information (the patient's name, which is a necessary part of a medical history), and personal information (the patient's insurance company). A second template (FIG. 29) provides medication information. All of the data illustrated in FIGS. 25-43 is linked together and stored in the memory of portable device (104). Each of the screen displays of FIGS. 25-43 are linked together and form a total medical report. The report is printed on an LCD screen. Each line of each screen display is distinct report section. These sections can be reviewed by either a physician or the patient under any circumstances.

Claim 2: The first template (FIG. 26) provides for the entry of insurance data, in particular, the insurance policy number defined by the patient's insurance company.

Claim 3: The first template (FIG. 26) provides for entry of the insurance policy data, which also reads as pharmacy information, since an insurance policy can and will be used by a pharmacy.

Claim 4: The second template (FIG.29) includes a time section (the fifth line down) in which the timing of the medication is provided. Each of the times listed in the fifth line (8AM, 12 noon and 6PM) represents a separate column of data.

Claim 5: FIG. 30 provides a graphic illustration in the form of a text description (lines 1-3 of FIG. 30) which describe the appearance of each medication taken. Each graphic illustration is associated with each medication. For example, the medication Canderil shown in FIG. 29 is linked to the graphical description of Canderil in FIG. 30.

Claim 6: Any of the data shown in medical information screen of FIG. 29 reads as prescribing physician information since all of the information is provided from a prescribing physician.

Claim 7: FIG. 44 illustrates a database of medication information (206) with associated attributes, such as interactions and severities which can be reported to the patient.

Claim 8: As seen in step (214) of FIG. 44, an interaction report is generated if a drug interaction problem is detected.

Claim 9: The display screen of FIG. 40 represents a pillbox map. The information is linked to the medication information of FIG. 29, indicates a medication that needs to be taken and associates the medication with a particular time of day.

Claim 10: Any of the data displayed in FIG. 40 reads as a generated label, such as the indication of the time, or the icons for acceptance or delay of the instructions provided.

Claim 11: The display of FIG. 30 is a medication planner function, since it allows planning or replanning of the dosage scheduling. Each row includes medication information and specific times at which to take the medication.

Claim 12: An LCD screen is a sheet that displays data on only one side. (By the term "one sided sheet", it is presumed that applicant is referring to printing on only one side).

Claim 13: Any of the information in the screens of FIGS. 25-43 are readily observable by either the patient or medical personnel.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. (U.S. Patent 6,421,650).

Claim 26: As set forth with respect to claim 5 above, FIG. 30 of Goetz et al. provides a graphic illustration in the form of a text description of the size and color of a medication pill, but not a symbol having the size and shape of the pill. However, the skilled artisan would have readily recognized that a graphical user interface having a text description describing the size and color of an object could have been supplemented by a graphical picture of that same object. Alternatively, the picture could have been a substitute for the text description.

It would have been obvious to one of ordinary skill in the art to modify Goetz et al. to include pictures of medications, as a supplement to or substitute for a textual description of the medication pills, as a choice of design for a graphical user interface.

Remarks

Applicant's arguments have been considered.

Applicant argues that Goetz et al. does not disclose a method or system for generating a report correlating data of emergency contact information, medical history information, personal information and medication information, in which the report is a printed record.

Examiner maintains that these features are taught by FIGS. 26 and 29 of Goetz et al. The system of Goetz et al. discloses a set of linked pages which can be accessed by scrolling through the pages. The pages form a complete medical report and are printed on a graphical user interface.

Applicant also argues that the invention of applicant has the advantage of being immediately readable by the human eye and readily carried on the person. However, these exact same features exist in the system of Goetz et al.

Applicant further argues that Goetz et al. does not teach or suggest generating a pill box map, as recited in claim 9.

Examiner maintains that this feature is taught by FIG. 40 of Goetz et al. Claim 9 does not describe the appearance of the pillbox map, only its functions. The function of the map is to represent a predetermined time of day in which to take a medication. Since the interface in FIG. 40 of Goetz et al. performs the claimed function of representing a predetermined time of day in which to take a medication, it reads as the claimed pillbox map.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

Sam Rimell
Primary Examiner
Art Unit 2175